

REGULAR MEETING MINUTES

February 26, 2019 at 7:30 pm

A regular meeting of the Mayor and Council of the Borough of Bradley Beach was held in the Meeting Room, 701 Main Street, Bradley Beach, New Jersey on the above date.

CALL TO ORDER

Mayor Gary Engelstad opened the meeting with a salute to the flag.

Sunshine Law

The meeting has been noticed publicly according to the Open Public Meetings Act requirement for the "Annual Notice", and posted on the official bulletin board.

ROLL CALL 6:30 pm

Present: Council: Weber, Goldfarb, Bonnell (via phone), Cotler
Mayor Engelstad
Acting Borough Attorney Greg Pasquale
Municipal Clerk/Administrator Kelly Barrett
Gail Krzyzyczuk, Chief Financial Officer
Erica Kostyz, Deputy Municipal Clerk

CEREMONIAL

Mayor Engelstad presented a Certificate of Recognition to Logan Caldwell a student at the Bradley Beach Elementary School. Logan assisted an elderly woman in need, called 911 and stayed with the woman until the medics arrived.

ON MOTION by Engelstad/Weber to approve the Budget Workshop Meeting
Minutes of February 12, 2019

ROLL CALL AYES: Weber, Goldfarb, Bonnell (via phone), Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

APPROVED

ON MOTION by Engelstad/Goldfarb to approve the Regular Meeting
Minutes of February 12, 2019

ROLL CALL AYES: Weber, Goldfarb, Bonnell (via phone), Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

APPROVED

PUBLIC COMMENT

Henry Machos, 209 Third Avenue, expressed concerns regarding the charge of \$9,800. submitted by the Borough Engineer to complete the Storm Water Pollution Prevention Plan.

Ms. Barrett stated that the Storm Water Pollution Prevention Plan requires the Borough Engineer to map out all storm water outfall pipes and develop a plan. The Borough is required to complete annually training and maintain records and daily logs.

Thomas Coan, 612 Third Avenue, expressed concerns regarding Ordinance 2019-8 and the requirement that it be reviewed by the Planning Board prior to adoption. He questioned if a fee is required to reserve the Bocce Courts.

Ms. Barrett responded that Ordinance 2019-8 would be referred to the Planning Board for a Master Plan consistency review. There will be a fee required for reserving the bocce courts and that fee will be established at a later date.

ORDINANCE 2019-3

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER SEVENTY EIGHT, PERSONNEL POLICIES

ON MOTION by Engelstad/Goldfarb to open the public hearing for Ordinance 2019-3
ROLL CALL AYES: Weber, Goldfarb, Bonnell (via phone), Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Public Hearing – No one wished to speak

ON MOTION by Engelstad/Weber to close the public hearing and adopt Ordinance 2019-3
ROLL CALL AYES: Weber, Goldfarb, Bonnell (via phone), Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

ADOPTED

ORDINANCE 2019-4

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER NINE, TRAFFIC, RULES AND REGULATIONS.

ON MOTION by Engelstad/Goldfarb to open the public hearing for Ordinance 2019-4
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Public Hearing

Julie Nutaitis, 605 Newark Avenue, expressed concerns regarding Ordinance 2019-4, as it is a drastic change to the existing overnight truck parking ordinance. She stated that this change was not reviewed/investigated properly and this significant change will allow anyone to get a truck parking permit.

Jack Gentempo, 103 Fourth Avenue, stated that Ordinance 2019-4 is a dramatic change from the existing ordinance and was not in agreement with the change.

Thomas Coan, 612 Third Avenue, stated that the definition of a “parking area” (item F) is not necessary and should be removed from the proposed ordinance. He disagreed with the language in Ordinance 2019-4.

Jim Shissas, 112 Fourth Avenue, stated that in view of the comments made regarding Ordinance 2019-4 the governing body should not adopt the ordinance this evening. The governing body should take another crack at it.

Mary Pat Reardon, 711 Hammond Avenue, stated that she and her husband have lived in town for four years and they do not have a driveway. They own a business and have a work truck. They have paid numerous parking tickets over the years for parking their truck in front of their home. She continued, the borough does not have a problem with truck parking. She questioned if the people opposed to Ordinance 2019-4 have a driveway, do they have a work truck and have they received parking tickets.

Mike McCarthy, 604 ½ McCabe Avenue, stated he has lived in town since 1971. He continued that the overnight truck parking ordinance has changed over the years and there is no problem with the current ordinance but was in favor of the new language in Ordinance 2019-4.

ON MOTION by Engelstad/Goldfarb to close the public hearing and adopt Ordinance 2019-4

ROLL CALL AYES: Goldfarb, Cotler, Engelstad
NAYS: Weber, Bonnell (via phone)
ABSENT: None
ABSTAIN: None

ADOPTED

ORDINANCE 2019-5

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER 380, SEWERS

ON MOTION by Engelstad/Goldfarb to open the public hearing for Ordinance 2019-5

ROLL CALL AYES: Weber, Goldfarb, Bonnell (via phone), Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Public Hearing – No one wished to speak

ON MOTION by Engelstad/Goldfarb to close the public hearing and adopt Ordinance 2019-5

ROLL CALL AYES: Weber, Goldfarb, Bonnell (via phone), Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

ORDINANCE 2019-6

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER ONE HUNDRED FORTY TWO, BUILDINGS, MOVING OF; STORAGE SHEDS AND CHAPTER FOUR HUNDRED FIFTY, STORAGE SHEDS

ON MOTION by Engelstad/Goldfarb to introduce Ordinance 2019-6
ROLL CALL AYES: Weber, Goldfarb, Bonnell (via phone), Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

PENDING

ORDINANCE 2019-7

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER ONE HUNDRED TWENTY THREE, BEACHFRONT AREAS AND ADJACENT WATERS, RULES AND REGULATIONS

ON MOTION by Engelstad/Weber to introduce Ordinance 2019-7
ROLL CALL AYES: Weber, Goldfarb, Bonnell (via phone), Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

PENDING

ORDINANCE 2018-8

AN ORDINANCE OF THE BOROUGH OF BRADLEY BEACH CORRECTING A SCRIVENER'S ERROR IN §450-29.1 GENERAL BUSINESS WEST ZONE

ON MOTION by Engelstad/Weber to introduce Ordinance 2019-8
ROLL CALL AYES: Weber, Goldfarb, Bonnell (via phone), Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

PENDING

ORDINANCE 2018-9

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER ONE HUNDRED TWENTY THREE, MUNICIPAL PUBLIC ACCESS SIGNS

ON MOTION by Engelstad/Cotler to introduce Ordinance 2019-8
ROLL CALL AYES: Weber, Goldfarb, Bonnell (via phone), Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

PENDING

Communications added to the Consent Agenda

Authorized National Bocce Tournament’s request to conduct a bocce tournament on Saturday, May 4, 2019 from 8 am to 6 pm at the beachfront promenade bocce courts.

ON MOTION by Engelstad/Goldfarb to allow the National Bocce Tournament to hold the tournament on 5/1/49

ROLL CALL AYES: Weber, Goldfarb, Bonnell (via phone), Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Councilman Cotler stated that his vote of approval was conditioned upon a fee being paid for reserving the bocce courts.

ON MOTION by Engelstad/Goldfarb to approve the Consent Agenda

ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Consent Agenda

- Resolution 2019-45 Authorizing a tax appeal refund for 2017 & 2018 tax year in the amount of \$12,955.07 for 1217 Main Street
- Resolution 2019-46 Authorizing a sewer payment refund for 310 Ocean Park Avenue (Blk 23 Lot 19) in the amount of \$140.64
- Resolution 2019-47 Authorizing a tax title lien redemption at 604 Burlington Avenue (Blk 83 Lot 10)
- Resolution 2019-48 BILL LIST
- Resolution 2019-49 Authorizing the Jersey Shore Running Club to conduct the RunAPalooza on April 6, 2019 from 8 am to 12 pm on the beachfront promenade
- Resolution 2019-50 Authorizing a one year extension to Hilary and Trent Colanduoni for the 2019 Brinley Ave Food Truck Concession
- Resolution 2019-51 Authorizing a one year extension to Hilary and Trent Colanduoni for the 2019 Second Avenue Food Concession
- Resolution 2019-52 Authorizing a one year extension to Great American Volleyball for the 2019 Volleyball Concession
- Resolution 2019-53 Authorizing Gerald Freda, Borough Engineer to coordinate, map, update and prepare a report for the Storm Water Pollution Prevention Plan at a fee not to exceed \$9,800

APPROVED

MAYOR AND COUNCIL REPORTS

Councilman Weber reported that the Jenkinson Aquarium presentation held at the school was a success. He stated that the Environmental Commission is working on a brochure to educate the public on proper trash and recycling disposal. He continued that he attended the Recreation Board meeting and the Recreation Board will be submitting a list of repairs for the building.

Councilman Cotler stated that Mt. Sinai School of Medicine reported that vapes are cancer causing and marijuana also falls under the list of cancer causing drugs. Marijuana similar to other drugs has pros and cons. He reminded everyone of the health risks associated with pesticides, “weed killer”. He continued that small children and fetuses are at higher risk and may impact developing organ systems. He recommended that the borough use organic pesticides.

Mayor Engelstad stated that he attended the school board meeting and they will begin the budget process shortly. He commended the school for conducting a successful talent show. He announced the BBES “Night at the Museum on April 11, 2019 and the “Porch fest on May 18, 2019. He thanked the DPW for doing a great job of trash/recycling collection during the wave of high winds. An update was received from Congressman Smith’s Office regarding Sylvan Lake dredging. Sylvan Lake is on the Army Corp of Engineer’s list of lakes to be dredged. He announced the Strategic Planning Survey would be mailed out and available on the borough website the first week in March.

PUBLIC COMMENT

Kathy Martin, 412 Bradley Blvd., requested clarification regarding the stormwater management plan and the impact of sump pumps.

Councilman Weber responded that the Storm Water plans are established to control flooding. The plans will require big development with less impervious coverage to pay more for the storm water utility. He was unable to provide information regarding sump-pumps.

Jim Byrnes, 401 Fifth Avenue, thanked Councilman Cotler for providing the information on pesticides. He recommended the borough adopt an ordinance prohibiting the drug “Kratom “

Thomas Coan, 612 Third Avenue, questioned when an ordinance regarding the sale of marijuana would be introduced. He expressed concerns regarding Planning Board procedures and requested removal of the Chairman due to improper procedure.

Mayor Engelstad responded that as per the borough attorney, all action taken by local government prior to the state acting will be considered “null and void” The borough has 180 days to adopt an ordinance after the state takes action.

Gregory Pasquale, Acting Borough Attorney responded, Planning Board concerns must be referred to the Planning Board.

Engelstad/Goldfarb moved to adjourn

ADJOURN 8:50 PM

KELLY BARRETT RMC, CMR
Municipal Clerk/Administrator

(7)